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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,380	12/12/2001	Michael Wayne Brown	AUS920010824US1	2840
43307	7590	02/09/2005	EXAMINER	
IBM CORP (AP) C/O AMY PATTILLO P. O. BOX 161327 AUSTIN, TX 78716			HOOSAIN, ALLAN	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,380

Applicant(s)

BROWN ET AL.

Examiner

Allan Hoosain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 13-16 and 18-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/12/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-12 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Uppaluru et al.** (US 6,381,329) in view of **Rogers et al.** (US 5,946,386).

As to Claims 1,5, with respect to Figures 3-7, **Uppaluru** teaches a method for controlling distribution of caller profiles comprising:

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receiving a request at a premises call center gateway (central server system) accessible from a telecommunications network for call center information according to a proxy call of a caller currently on hold within a POP call center gateway (Figure 4 and Col. 4, lines 49-54); and

distributing said call center information to said POP call center gateway (call center) according to said proxy call, such that said POP call center gateway (call center) is enabled to specify output of services to said caller according to said customer application (Col. 3, lines 42-51),

wherein said call center information is accessible across a plurality of POP call center gateways (call centers) according to said proxy call for specifying output of services (Col. 4, lines 49-51);

Uppaluru does not teach the following limitations:

“authenticated voice identifier” and “caller profiles”

However, it is obvious that **Uppaluru** suggests the limitations. This is because **Uppaluru** teaches playing customized announcements to callers identified by a proxy call. These announcements suggest the authenticating of callers using caller profiles (Col. 2, lines 55-60 and Col. 8, lines 33-37). **Rogers** teaches voice identification (authenticated voice identifier) of callers and caller VIP rules (profiles) for servicing specific callers (Col. 23, lines 41-43, Col. 24, lines 32-36 and Col. 37, lines 5-15). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add voice identification and caller profile capabilities to **Uppaluru**'s invention for verifying a caller's identity as taught by **Rogers**' invention in order to provide callers with specific personalized messages.

As to Claim 2, **Uppaluru** teaches the method for controlling distribution of call center information according to claim 1, further comprising:

receiving an alternate request at said premises call center gateway (central server system) for said call center information according to said proxy call currently on hold within an alternate call center (Col. 10, lines 29-39); and

distributing said caller profile to said alternate center according to said proxy call (Col. 10, lines 29-39);

Uppaluru does not teach the following limitations:

“authenticated voice identifier” and “caller profiles”

However, it is obvious that **Uppaluru** suggests the limitations. This is because **Uppaluru** teaches playing customized announcements to callers identified by a proxy call. These announcements suggest the authenticating of callers using caller profiles (Col. 2, lines 55-60 and Col. 8, lines 33-37). **Rogers** teaches voice identification (authenticated voice identifier) of callers and caller VIP rules (profiles) for servicing specific callers (Col. 23, lines 41-43, Col. 24, lines 32-36 and Col. 37, lines 5-15). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add voice identification and caller profile capabilities to **Uppaluru**’s invention for verifying a caller’s identity as taught by **Rogers**’ invention in order to provide callers with specific personalized messages.

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As to Claim 3, **Uppaluru** teaches the method for controlling distribution of caller profiles according to claim 1, further comprising:

requiring an authentication of an identifier for said call center with said request before distributing said caller profile to said call center (Col. 10, lines 1-10).

As to Claim 4, **Uppaluru** teaches the method for controlling distribution of caller profiles according to claim 1, wherein said call center information (caller profile) comprises at least one from among personal information, billing information, a selection of preferences while on hold, previous activity while on hold, and previous product purchases (Col. 10, lines 40-45).

As to Claims 6,10-11, with respect to Figures 1-4, **Uppaluru** teaches a system for controlling distribution of call center information, comprising:

a premise call center database (caller profile server) communicatively connected to a network accessible by a plurality of call centers (Figure 4 and Col. 4, lines 49-54);

means for receiving a request at said call center database (caller profile server) for call center information (a caller profile) according to a proxy call (an authenticated voice identifier of a caller currently on hold) within a particular call center from among said plurality of call centers (Col. 3, lines 42-51); and

means for distributing said caller profile to said call center according to said proxy call (authenticated voice identifier), wherein said call center information (caller profile) is accessible across a plurality of call centers according to said proxy call (voice identifier) for specifying output of services (Col. 4, lines 49-51);

Uppaluru does not teach the following limitations:

“authenticated voice identifier” and “caller profiles”

However, it is obvious that **Uppaluru** suggests the limitations. This is because **Uppaluru** teaches playing customized announcements to callers identified by a proxy call. These announcements suggest the authenticating of callers using caller profiles (Col. 2, lines 55-60 and Col. 8, lines 33-37). **Rogers** teaches voice identification of callers and caller VIP rules (profiles) for servicing specific callers (Col. 23, lines 41-43, Col. 24, lines 32-36 and Col. 37, lines 5-15). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add voice identification and caller profile capabilities to **Uppaluru**’s invention for verifying a caller’s identity as taught by **Rogers**’ invention in order to provide callers with specific personalized messages.

As to Claim 7, **Uppaluru** teaches the system for controlling distribution of caller profiles according to claim 6, wherein said caller profile server is communicatively connected to a PSTN network via an intranet (Figure 7).

As to Claim 8, **Uppaluru** teaches the system for controlling distribution of caller profiles according to claim 6, wherein said caller profile server is communicatively connected to an Internet Protocol network accessible to said call center and a PSTN network (Figure 7 and Col. 5, lines 1-12).

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As to Claim 9, **Uppaluru** teaches the system for controlling distribution of caller profiles according to claim 8, wherein said caller profile server is communicatively accessible to said PSTN network via a plurality of gateways, wherein said plurality of gateways switch both signaling and voice data (Figure 7 and Col. 4, lines 49-52).

As to Claim 12, **Uppaluru** teaches the system for controlling distribution of caller profiles according to claim 6, wherein said caller profile server further comprises:

means for requiring an authentication of an identifier for said call center with said request before distributing said caller profile to said call center (Col. 3, lines 22-28).

As to Claims 17,19, with respect to Figures 1-4, **Uppaluru** teaches a method for controlling distribution of call center information (caller profiles) to Pop call center gateways (call centers), comprising:

receiving a request at a premises call center gateway (central server system) accessible from a telecommunications network for call center information (a caller profile) according to a proxy call (an authenticated voice identifier of a caller) currently on hold within a call center (Col. 4, lines 30-48), wherein said request comprises a translated called party number (an identifier for said call center) (Col. 3, lines 5-21);

determining a toll-free number (subscription status) of said call center from among a plurality of toll-free numbers (call center subscriptions) according to said identifier for said call center (Col. 3, lines 5-21); and

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only distributing a customized application (subscribed to portion) of said call center information (caller profile) to said call center according to said subscription status (Col. 3, lines 22-41);

Uppaluru does not teach the following limitations:

“authenticated voice identifier” and “caller profiles”

However, it is obvious that **Uppaluru** suggests the limitations. This is because **Uppaluru** teaches playing customized announcements to callers identified by a proxy call. These announcements suggest the authenticating of callers using caller profiles (Col. 2, lines 55-60 and Col. 8, lines 33-37). **Rogers** teaches voice identification of callers and caller VIP rules (profiles) for servicing specific callers (Col. 23, lines 41-43, Col. 24, lines 32-36 and Col. 37, lines 5-15). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add voice identification and caller profile capabilities to **Uppaluru**'s invention for verifying a caller's identity as taught by **Rogers**' invention in order to provide callers with personalized messages.

As to Claims 18,20, **Uppaluru** teaches the method for controlling distribution of caller profiles according to claim 17, wherein said identifier for said call center is at least one from among an authenticated voice identifier, a subscription code identifier, and a line number identifier (Col. 3, lines 5-21).

Response to Arguments

4. Applicant's arguments filed in the 10/27/04 Remarks have been fully considered with the following changes:

The groupings of the claims in the 9/27/04 have been changed as shown below:

- I. Claims 1-12, 17-20, are drawn to processing caller profiles and their distribution. In particular the processing involves authentication, verifying and networking classified in class 379, subclasses 88.02, 88.12, 211.02, 212.01, 265.01, 265.02 and 265.12.
- II. Claims 13-15 and 21, are drawn to recording of caller information and placing callers on hold. The recording and holding are classified in class 379, subclasses 68, 85, 88.25-88.28, 162, 201.01-201.05, 201.12, 265.03, 265.06 and 265.08.
- III. Claims 22-44, are drawn to placing callers in queues. In particular the callers positions in the queues are adjusted based on parameters. These claims are classified in class 379, subclasses 209.01-210.01, 265.12-265.14, 266.01-266.04.
- IV. Claims 30-32 and 45-50 are sub-combinations of groups II and III.

In a telephone interview with Attorney **Amy J. Pattillo** on 1/24/04, the Group I claims above were elected for prosecution.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Partovi et al. (US 6,842,767) teach voice identification of callers and processing calls using caller profiles.

Brown et al. (US 6,826,276) teach distributing caller profiles across multiple call centers.

Elsey (US 6,845,155) teaches routing calls to different call centers using a call routing server.

Hurd (US 6,522,743) teach distributing calls and caller information to a selected call center.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

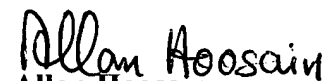
(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Allan Hoosain
Primary Examiner
1/31/05